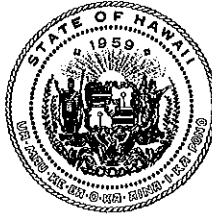


LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 29, 2007

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOLAWA ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, HI 96813

Land Board Members:

**SUBJECT: REQUEST FOR APPROVAL TO ENTER INTO A REBURIAL
AGREEMENT WITH WBC CPR, LLC FOR THE HUMAN
SKELETAL REMAINS REINTERRED ON THEIR PROPERTY AT WAIKIKI
AHUPUA'A, KONA DISTRICT, ISLAND OF O'AHU AT [TMK (1) 2-6-002:
1,2,3]**

Submitted for your consideration is a request to enter into a Reburial Agreement with WBC CPR, LLC to implement the conditions agreed upon by the landowner and accepted by the State Historic Preservation Division.

Section 6E-43, and 6E-43.6, Hawaii Revised Statutes, require the State to regulate the proper treatment of human skeletal remains over fifty years old, at any site other than a known, maintained, actively used cemetery. In order to provide perpetual protection for the newly established burial site for the skeletal remains, its location will be recorded in the Bureau of Conveyances together with the attached Reburial Agreement. This Reburial Agreement establishes a permanent preservation zone, access rights for lineal and cultural descendants and states that the burial will not be willfully disturbed by the landowner, its successors and assigns.

The office of the Attorney General has conducted a review of the Reburial Agreement and all suggested amendments were incorporated into the attached agreement.

RECOMMENDATION


That the Board authorize Chairperson Thielen to execute the attached Reburial Agreement with WBW CPR, LLC.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Linda Kaleo Paik', written over a horizontal line.

Linda Kaleo Paik, Cultural Specialist
Historic Preservation Division

APPROVED FOR SUBMITTAL:

A handwritten signature in black ink, appearing to read 'Laura Thielen', written over a horizontal line.

LAURA THIELEN, Chairperson
Board of Land and Natural Resources

REGULAR SYSTEM

Department of Land and Natural Resources
State Historic Preservation Division
33 South King Street, 6th Floor
Honolulu, Hawai'i 96817
(808) 587-0047

REBURIAL AGREEMENT

WITNESSETH

WHEREAS, WBW CPR LLC is the Developer of the Beach Walk Condominium Property Regime with the right to execute documents required to comply with any laws on behalf of the owners ("Landowner") of the Waikīkī Beach Walk Project (the "Project") located on certain real property at Waikīkī 'Ahupua'a, Kona District, Island of O'ahu, Tax Map Key: 2-6-002, CPR Nos. 1 through 3, on which property human skeletal remains from unmarked burial sites over fifty years old were inadvertently discovered during the construction of Project;

WHEREAS, the State, through its State Historic Preservation Division, Department of Land and Natural Resources ("SHPD"), pursuant to section 6E-43.6, Hawai'i Revised Statutes, is responsible for regulating the proper treatment of human skeletal remains over fifty years old, at any site other than a known, maintained, actively used cemetery; and

WHEREAS, the parties desire to enter into this Agreement to reinter the human skeletal remains at the specific burial site at the Preserve Area described below and provide perpetual protection to the Preserve Area; and

WHEREAS, the parties have consulted with the O'ahu Island Burial Council (OIBC) Kona Representatives (pursuant to formal action by OIBC to delegate consultation matters related to the Project to the OIBC Kona Representatives) and native Hawaiian families that have been recognized in the past as cultural and lineal descendants for native Hawaiian human skeletal burial remains that have been discovered in the Waikīkī Area (the "Recognized Waikiki Descendants").

NOW THEREFORE, in consideration of the above and the terms and conditions contained herein, the parties agree as follows:

1. Landowner agrees to allow the Recognized Waikiki Descendants to reinter the inadvertently discovered human skeletal remains at a specific reburial site at the Preserve Area.

2. Landowner and the Department of Land and Natural Resources, upon recommendations from the OIBC Kona District Representatives, shall determine the exact location of reinterment within the Preserve Area.

3. Landowner, in coordination with the Department of Land and Natural Resources, the OIBC Kona District Representatives and the Recognized Waikiki Descendants, agrees to make necessary preparations for the reinterment of the inadvertently discovered human skeletal remains at the Preserve Area.

4. Landowner and the Department of Land and Natural Resources, upon recommendation from the OIBC Kona District Representatives and in consultation with the Recognized Waikiki Descendants, shall determine whether the reinterment site shall be physically marked. The **"Preserve Area"** is attached to this Agreement as Exhibit "A" and incorporated by reference herein.

5. Following reinterment, Landowner agrees to provide the Recognized Waikiki Descendants wishing to visit the Preserve Area with access to the Preserve Area. Such right of access shall be subject to the rules and policies of Landowner, which may be amended from time to time.

6. Following reinterment, Landowner covenants and agrees not to willfully disturb in any manner or allow the disturbance of in any manner, the repose of the human skeletal remains buried in the Preserve Area. The obligations imposed by these restrictive covenants shall be effective in perpetuity and shall be deemed to run as a binding servitude with the Preserve Area, and shall extend to and be binding upon Landowner, its successors and assigns.

7. In the event Landowner learns the reinterred human skeletal remains, or any part thereof, is unearthed by natural causes, Landowner agrees to immediately notify the SHPD.

Landowner agrees not to handle the reinterred human skeletal remains in any manner. The Department of Land and Natural Resources, upon recommendation of the OIBC Kona District Representatives, shall take proper action to secure the human skeletal remains in place as soon as possible.

8. Both Landowner and the Department of Land and Natural Resources shall comply with all local, state and federal laws concerning reinterment.

IN WITNESS WHEREOF, the STATE OF HAWAI'I, by its Board of Land and Natural Resources, has caused the seal of the Department of Land and Natural Resources to be hereunto affixed and the parties hereto have caused this Agreement to be executed as of the day, month, and year first above written.

STATE OF HAWAI'I

By _____
Chairperson, Board of Land and
Natural Resources

LANDOWNER

WBW CPR LLC,
a Hawaii limited liability company,

By Outrigger Hotels Hawaii,
a Hawaii limited partnership
Its Managing Member

By Outrigger Enterprises, Inc.,
a Hawaii corporation
Its General Partner

By _____
Melvin Y. Kaneshige
Its Executive Vice President

APPROVED AS TO FORM:

Wm S. Keene
Deputy Attorney General

Dated: 11/1/07

EXHIBIT A

Map showing Preserve Area

EXHIBIT "A"

In this Exhibit "A" encumbrances affecting only one Item are listed after that Item and encumbrances affecting multiple Items are listed after the Item descriptions.

ITEM ONE - (TMK 2-6-3:02)**-PARCEL FIRST:-**

All of that certain parcel of land situate at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, being LOT 36 of the "BEACHWALK TRACT", as shown on File Plan Number 133, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 6,777 square feet, more or less.

-PARCEL SECOND:-

All of that certain parcel of land situate at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, being LOT 34 of the "BEACHWALK TRACT", as shown on File Plan Number 133, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 7,155 square feet, more or less.

-AS TO PARCELS FIRST AND SECOND:-

Together with an underground communication duct line easement to install, maintain, operate, repair, and remove a communication system, as granted by instrument dated May 15, 1987, recorded in Liber 20808 at Page 246, said easement being more particularly described as follows:

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4492, Land Commission Award Number 104-FL, Apana 6 to M. Kekuanaoa) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, being an easement for communication purposes four (4.00) feet wide, same being a portion of Helumoa Road, and thus bounded and described:

Beginning at the southwest corner of this easement, on the southwesterly side of Helumoa Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 12,060.15 feet south and 6,029.97 feet east and running by azimuths measured clockwise from true South:

1. 131° 04' 4.00 feet along Land Court Application 1498;
2. 221° 04' 21.58 feet along remainder of R.P. 4492, L.C.Aw. 104-FL, Apana 6 to M. Kekuanaoa; along remainder of Helumoa Road;
3. 311° 04' 4.00 feet along remainder of R.P. 4492, L.C.Aw. 104-FL, Apana 6 to M. Kekuanaoa;

4. 41° 04' 21.58 feet along remainder of R.P. 4492, L.C.Aw. 104-FL, Apana 6 to M. Kekuanaoa; along remainder of Helumoa Road to the point of beginning and containing an area of 86 square feet, more or less.

Said above described parcel of land having been acquired by OUTRIGGER HOTELS HAWAII, a Hawaii limited partnership, as follows:

1. By DEED dated October 25, 1996, recorded as Document No. 96-167811;
2. By DEED dated October 25, 1996, recorded as Document No. 96-167812;
3. By DEED dated October 25, 1996, recorded as Document No. 96-167813;
4. By DEED dated October 25, 1996, recorded as Document No. 96-167814;
5. By DEED dated October 25, 1996, recorded as Document No. 96-169187;
6. By DEED dated October 25, 1996, recorded as Document No. 96-169188;
7. By DEED dated October 25, 1996, recorded as Document No. 96-173718;
8. By DEED dated October 25, 1996, recorded as Document No. 96-179976; and,
9. By DEED dated December 13, 1996, recorded as Document No. 96-184279.

SUBJECT, HOWEVER, TO:

1. -AS TO SECOND (LOT 34):-

The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT	:	DEED
DATED	:	October 23, 1914
RECORDED	:	Liber 418 Page 267

ITEM TWO – [TMK 2-6-3:03]

All of that certain parcel of land situate at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, being LOT 38 of the "BEACHWALK TRACT", as shown on File Plan Number 133, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 6,399 square feet, more or less.

BEING THE PREMISES ACQUIRED BY TRUSTEES' LIMITED WARRANTY DEED

GRANTOR : MELINDA C. ALISON, formerly known as MELINDA C. CRAWFORD, and BANK OF HAWAII, a Hawaii corporation, Trustees under that certain unrecorded trust agreement known as the Melinda C. Crawford Revocable Living Trust dated June 16, 1978, made by Melinda C. Crawford, formerly known as Melinda Lee Kaiulani Cleghorn, as settlor, as amended

GRANTEE : ALA WAI GATEWAY LIMITED PARTNERSHIP, a Hawaii
limited partnership
DATED : January 8, 2003
RECORDED : Document No. 2003-003211

ITEM THREE - [TMK 2-6-3:04]

-FIRST:-

All of that certain parcel of land situate at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, being LOT NUMBER 40 of the "BEACH WALK TRACT", as shown on the map thereof, filed in the Office of the Registrar of Conveyances at Honolulu as Registered Map Number 133, and containing an area of 6,530 square feet, more or less.

-SECOND:-

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 4493, Land Commission Award Number 104-F-L, Apana 6 to M. Kekuanaoa) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, and thus bounded and described:

Beginning at a point in the northwesterly line of Lewers Road, 390.5 feet northeast from the north corner of Kalia Road and Lewers Road, and running by true azimuths, as follows:

1. 41° 04' 10.00 feet along Lewers Road;
2. 131° 04' 104.19 feet along center line of lane reserve;
3. 226° 00' 10.04 feet to the west corner of Lot 40;
4. 311° 04' 103.33 feet along Lot 40 to the point of beginning and containing an area of 1,037.6 square feet, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR : HOTEL OPERATING CO. OF HAWAII, LTD., a Hawaii
corporation
GRANTEE : OUTRIGGER HOTELS HAWAII, a Hawaii limited
partnership
DATED : October 31, 1985
RECORDED : Liber 19073 Page 374

As to FIRST and SECOND, together with an underground communication duct line easement to install, maintain, operate, repair, and remove a communication system, as

granted by instrument dated May 15, 1987, recorded in Liber 20808 at Page 246, said easement being more particularly described as follows:

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 4492, Land Commission Award Number 104-FL, Apana 6 to M. Kekuanaoa) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, being an easement for communication purposes four (4.00) feet wide, same being a portion of Helumoa Road, and thus bounded and described:

Beginning at the southwest corner of this easement, on the southwesterly side of Helumoa Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 12,060.15 feet south and 6,029.97 feet east and running by azimuths measured clockwise from true South:

1. 131° 04' 4.00 feet along Land Court Application 1498;
2. 221° 04' 21.58 feet along remainder of R.P. 4492, L.C.Aw. 104-FL, Apana 6 to M. Kekuanaoa; along remainder of Helumoa Road;
3. 311° 04' 4.00 feet along remainder of R.P. 4492, L.C.Aw. 104-FL, Apana 6 to M. Kekuanaoa;
4. 41° 04' 21.58 feet along remainder of R.P. 4492, L.C.Aw. 104-FL, Apana 6 to M. Kekuanaoa; along remainder of Helumoa Road to the point of beginning and containing an area of 86 square feet, more or less.

ITEM FOUR – [TMK 2-6-3:06]

-FIRST:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4493, Land Commission Award Number 104-F-L to M. Kekuanaoa) situate, lying and being on the northwest side of Lewers Road, at Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, and thus bounded and described:

Beginning at a stake at the south corner of this piece of land on the northwest side of Lewers Road, the true azimuth and distance to a concrete post marked "+", at the north corner of Helumoa and Lewers Roads being 41° 04' 118.08 feet and running by true azimuths:

1. 131° 04' 104.19 feet to a stake;
2. 221° 04' 41.92 feet to a stake;

3. 331° 04' 104.19 feet to a concrete post marked "+" on the northwest side of Lewers Road;
4. 41° 04' 41.92 feet along the northwest side of Lewers Road to the point of beginning and containing an area of 4,367 square feet, more or less.

-SECOND:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4493, Land Commission Award Number 104-F-L, Apana 6 to M. Kekuanaoa) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, and thus bounded and described:

Beginning at a stake at the south corner of this piece of land on the northwest side of Lewers Road, the true azimuth and distance to a concrete post marked "+", at the north corner of Helumoa and Lewers Roads being 41° 04' 68.08 feet and running by true azimuths:

1. 131° 04' 104.19 feet to a stake;
2. 221° 04' 50.00 feet to a stake;
3. 311° 04' 104.19 feet to a stake on the northwest side of Lewers Road;
4. 41° 04' 50.00 feet along the northwest side of Lewers Road to the point of beginning and containing an area of 5,210 square feet, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR	:	HOTEL OPERATING CO. OF HAWAII, LTD., a Hawaii corporation
GRANTEE	:	OUTRIGGER HOTELS HAWAII, a Hawaii limited partnership
DATED	:	October 31, 1985
RECORDED	:	Liber 19073 Page 404

ITEM FIVE - [TMK 2-6-3:08]

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4493, Land Commission Award Number 104-F-L, Apana 6 to M. Kekuanaoa) situate, lying and being on the northeast side of Helumoa Road, at Kalia,

Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, and thus bounded and described:

Beginning at a stake at the south corner of this parcel of land on the northeast side of Helumoa Road, the true azimuth and distance to a concrete post marked "+" at the north corner of Helumoa and Lewers Roads being 131° 04' 52.09 feet, and running by true azimuths:

1. 131° 04' 52.10 feet along the northeast side of Helumoa Road;
2. 221° 04' 68.08 feet to a stake;
3. 311° 04' 52.10 feet to a stake;
4. 41° 04' 68.08 feet to the point of beginning and containing an area of 3,547 square feet, more or less.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : CLARICE MARGARET GARRISON, Trustee of the
Clarice M. Garrison Revocable Trust dated April 1, 1998,
with full powers to sell, mortgage, lease or otherwise deal
with the land
GRANTEE : OUTRIGGER HOTELS HAWAII, a Hawaii limited
partnership
DATED : July 27, 2004
RECORDED : Document No. 2004-159785

SUBJECT, HOWEVER, TO:

1. GRANT

TO : CITY AND COUNTY OF HONOLULU
DATED : July 21, 1932
RECORDED : Liber 1175 Page 482
GRANTING : the right in the nature of an easement to lay, operate,
maintain, repair and remove an underground water pipe
line or pipe lines under and across a strip of land five (5)
feet in width, being more particularly described as follows:

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4493, Land Commission Award Number 104-F-L, Apana 6 to M. Kekuaaoa) as conveyed to Edward K. Carnes and Katharyne M. Carnes his wife, by Charles W. Reed and Vena Palms Reed in Deed dated February 6, 1925, recorded in Liber 765 at Page 126, situate, lying

and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, the center line of which is more particularly described as follows:

Beginning at a point by azimuth $311^{\circ} 04'$ and distant 2.5 feet from the north corner of this lot, thence running by true azimuth:

1. $41^{\circ} 04'$ 68.08 feet parallel to the north-westerly boundary of said lot to an intersection with the south-westerly boundary of said lot, being also the north-easterly boundary of Helumoa Road and containing an area of 340.4 square feet, more or less.

ITEM SIX – [TMK 2-6-3:09]

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4493, Land Commission Award Number 104-F-L to M. Kekuanaoa) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, and thus bounded and described:

Beginning at a stake at the west corner of this piece on the northeast side of Helumoa Road, the true azimuth and distance to a concrete post marked "+" at the east corner of Beach Walk and Helumoa Road being $131^{\circ} 04' 47.9$ feet, and running by true azimuths:

1. $221^{\circ} 04'$ 68.08 feet to a stake;
2. $311^{\circ} 04'$ 47.91 feet to a stake;
3. $41^{\circ} 04'$ 68.08 feet to a stake on the northeast side of Helumoa Road;
4. $131^{\circ} 04'$ 47.91 feet along the northeast side of Helumoa Road to the point of beginning, and containing an area of 3,262 square feet, more or less.

BEING THE PREMISES ACQUIRED BY A PORTION OF DEED:

GRANTOR	:	HOTEL OPERATING CO. OF HAWAII, LTD., a Hawaii corporation
GRANTEE	:	OUTRIGGER HOTELS HAWAII, a Hawaii limited partnership
DATED	:	October 31, 1985
RECORDED	:	Liber 19073 Page 404

ITEM SEVEN - [TMK 2-6-3:10]

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4493, Land Commission Award Number 104-F-L to M. Kekuaanaoa) situate, lying and being on the southeast side of Beach Walk, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, and thus bounded and described:

Beginning at a stake, at the west corner of this lot, on the southeast side of Beach Walk, the true azimuth and distance to a concrete post marked "+", at the east corner of Beach Walk and Helumoa Road being 41° 04' 68.08 feet and running by true azimuths:

1. 221° 04' 50.00 feet along the southeast side of Beach Walk to a stake;
2. 311° 04' 95.81 feet to a stake;
3. 41° 04' 50.00 feet to a stake;
4. 131° 04' 95.81 feet to the point of beginning and containing an area of 4,790 square feet, more or less.

Together with an underground communication duct line easement to install, maintain, operate, repair, and remove a communication system, as granted by instrument dated May 15, 1987, recorded in Liber 20808 at Page 246; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained therein. Said easement being more particularly described as follows:

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 4492, Land Commission Award Number 104-FL, Apana 6 to M. Kekuaanaoa) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, being an easement for communication purposes four (4.00) feet wide, same being a portion of Helumoa Road, and thus bounded and described as per survey of Harry K. Matsuo, Registered Professional Surveyor, dated February 24, 1987, to-wit:

Beginning at the southwest corner of this easement, on the southwesterly side of Helumoa Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 12,060.15 feet south and 6,029.97 feet east and running by azimuths measured clockwise from true South:

1. 131° 04' 4.00 feet along Land Court Application 1498;
2. 221° 04' 21.58 feet along remainder of R.P. 4492, L.C.Aw. 104-FL, Apana 6 to M. Kekuaanaoa; along remainder of Helumoa Road;

3. 311° 04' 4.00 feet along remainder of R.P. 4492, L.C.Aw. 104-FL, Apana 6 to M. Kekuanaoa;
4. 41° 04' 21.58 feet along remainder of R.P. 4942, L.C.Aw. 104-FL, Apana 6 to M. Kekuanaoa; along remainder of Helumoa Road to the point of beginning and containing an area of 86 square feet, more or less.

BEING THE PREMISES ACQUIRED BY TRUSTEE'S LIMITED WARRANTY DEED AND ASSIGNMENT OF LESSOR'S INTEREST IN LEASE

GRANTOR : ELLIOT H. LODEN, Successor Trustee under that certain unrecorded Revocable Trust of Elizabeth Paterson dated February 13, 1988

GRANTEE : OUTRIGGER HOTELS HAWAII, a Hawaii limited partnership

DATED : January 20, 2000

RECORDED : Document No. 2000-007824

SUBJECT, HOWEVER, TO:

1. GRANT

TO : HAWAIIAN ELECTRIC COMPANY, INC.

DATED : November 23, 1973

RECORDED : Liber 9633 Page 105

GRANTING : a perpetual right and easement to construct, etc., underground power lines, etc., over the land described herein

ITEM EIGHT - [TMK 2-6-3:11]

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4493, Land Commission Award Number 104-F-L to M. Kekuanaoa) situate, lying and being at Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, and thus bounded and described:

Beginning at a stake, at the west corner of this piece of land, on the southeast side of Beach Walk, the true azimuth and distance to a concrete post marked "+", at the east corner of Beach Walk and Helumoa Road being 41° 04' 118.08 feet and running by true azimuths:

1. 221° 04' 50.00 feet along the southeast side of Beach Walk to a stake;
2. 311° 04' 96.50 feet to a stake;

3. 46° 00' 8.09 feet to a fence corner;
4. 41° 04' 41.92 feet to a stake;
5. 131° 04' 95.81 feet to the point of beginning and containing an area of 4,793 square feet, more or less.

**BEING THE PREMISES ACQUIRED BY TRUSTEE'S LIMITED WARRANTY
DEED AND ASSIGNMENT OF LESSOR'S INTEREST IN LEASE**

GRANTOR : ELLIOT H. LODEN, Successor Trustee under that certain
unrecorded Revocable Trust of Elizabeth Paterson dated
February 13, 1988
GRANTEE : OUTRIGGER HOTELS HAWAII, a Hawaii limited partnership
DATED : January 20, 2000
RECORDED : Document No. 2000-007824

SUBJECT, HOWEVER, TO:

1. GRANT
TO : HAWAIIAN ELECTRIC COMPANY, INC.
DATED : November 23, 1973
RECORDED : Liber 9633 Page 105
GRANTING : a perpetual right and easement to construct, etc.,
underground power lines, etc., over the land described
herein

ITEM NINE - [TMK 2-6-3:12]

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4493, Land Commission Award Number 104-F-L to M. Kekuanaoa) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, and thus bounded and described:

Beginning at a concrete post marked "+" at the north corner of this piece of land, on the southeast side of Beach Walk, the true azimuth and distance to a concrete post marked "+", at the east corner of Beach Walk and Helumoa Road being 41° 04' 218.08 feet and running by true azimuths:

1. 302° 40' 103.19 feet along the southwest side of six-foot lane to a concrete post marked "+";
2. 46° 00' 65.31 feet along Lot 40, of the Beach Walk Lots;
3. 131° 04' 96.52 feet to a stake on the southeast side of Beach Walk;

4. 221° 04' 50.00 feet along the southeast side of Beach Walk to the point of beginning and containing an area of 5,693 square feet, more or less.

BEING THE PREMISES ACQUIRED BY TRUSTEE'S LIMITED WARRANTY DEED AND ASSIGNMENT OF LESSOR'S INTEREST IN LEASE

GRANTOR : ELLIOT H. LODEN, Successor Trustee under that certain unrecorded Revocable Trust of Elizabeth Paterson dated February 13, 1988
 GRANTEE : OUTRIGGER HOTELS HAWAII, a Hawaii limited partnership
 DATED : January 20, 2000
 RECORDED : Document No. 2000-007824

SUBJECT, HOWEVER, TO:

1. The terms and provision, including the failure to comply with any covenants, conditions and reservations, contained in DEED dated January 25, 1913, recorded in Liber 375 at Page 421.

ITEM TEN - [TMK 2-6-3:52]

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4493, Land Commission Award Number 104-F-L to M. Kekuanaoa) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, and thus bounded and described:

Beginning at a concrete post marked "+" at the west corner of this piece, being also the east corner of Beach Walk and Helumoa Road, and running by true azimuths:

1. 221° 40' 68.08 feet along the southeast side of Beach Walk to a stake;
2. 311° 04' 47.90 feet to a stake;
3. 41° 04' 68.08 feet to a stake on the northeast side of Helumoa Road;
4. 121° 04' 47.90 feet along the northeast side of Helumoa Road to the point of beginning, and containing an area of 3,261 square feet, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTEE : OUTRIGGER HOTELS HAWAII, a Hawaii limited partnership
 DATED : October 31, 1985
 RECORDED : Liber 19073 Page 404

ITEM ELEVEN - [TMK 2-6-3:07]

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 4492, Land Commission Award Number 104-F-L, Apana 6 to M. Kekuanaoa) situate, lying and being at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, and thus bounded and described:

Beginning at a concrete post, marked + at the south corner of this piece, being also the north corner of Helumoa and Lewers Roads, and running by true azimuths:

1. 131° 04' 52.09 feet along the northeast side of Helumoa Road to a stake;
2. 221° 04' 68.08 feet to a stake;
3. 311° 04' 52.09 feet to a stake on the northwest side of Lewers Road;
4. 41° 04' 68.08 feet along the northwest side of Lewers Road to the point of beginning and containing an area of 3,546 square feet, more or less.

BEING THE PREMISES ACQUIRED BY LIMITED WARRANTY DEED

GRANTOR : JACQUELLINE L. JOHNSON, Trustee of the Jacqueline L. Johnson Revocable Living Trust under that certain unrecorded Trust Agreement dated December 5, 1985, SLOANE UNDERHILL PERROOTS, formerly known as Deborah Sloane Underhill and also known as Deborah Sloane Underhill Perroots, wife of Leonard H. Perroots, JOSHUA HAMILTON TABOR, husband of Aidan Smith Tabor, BRITTON LEMMON TABOR, husband of Kelly Elizabeth Tabor, GARRETT RAMSAY WELCH, husband of Mindy Welch, JESSICA JACQUELLINE WELCH, unmarried, and BRONWEN L. WELCH, Trustee of the Bronwen L. Welch Revocable Living Trust under that certain unrecorded Trust Agreement dated October 26, 1992

GRANTEE : OUTRIGGER HOTELS HAWAII, a Hawaii limited partnership

DATED : October 9, 2002

RECORDED : Document No. 2002-179797

ITEM TWELVE – [TMK 2-6-3:21]

All of that certain parcel of land situate at Kalia, Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, containing an area of 40,867 square feet, more or less, as shown on Map 1, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1498 of Alma Buscher, widow.

Being land(s) described in Transfer Certificate of Title No. 577,836 issued to RRK HOTEL ASSOCIATES, LLC, a Colorado limited liability company, as to an undivided 12.5% interest, RRK LAND COMPANY, LLC, a Colorado limited liability company, as to an undivided 12.5% interest, and OWT, LLC, a Hawaii limited liability company, as to an undivided 75% interest.

Said above described parcel of land having been acquired as follows:

1. By RRK HOTEL ASSOCIATES, LLC, a Colorado limited liability company, as to an undivided 12.5% interest, by DEED of RICHARD ROY KELLEY, also known as Richard R. Kelley, husband of Linda Van Gilder Kelley, dated September 18, 2000, filed as Land Court Document No. 2652181.
2. By RRK LAND COMPANY, LLC, a Colorado limited liability company, as to an undivided 12.5% interest, by (a) DEED of RICHARD ROY KELLEY, also known as Richard R. Kelley, husband of Linda Van Gilder Kelley, dated September 18, 2000, filed as Land Court Document No. 2652182, and (b) DEED of LINDA VAN GILDER KELLEY, wife of Richard Roy Kelley, dated September 18, 2000, filed as Land Court Document No. 2652183.
3. By OWT, LLC, a Hawaii limited liability company, as to an undivided 75% interest, by WARRANTY DEED of OUTRIGGER-LAX LIMITED PARTNERSHIP, a Nevada limited partnership, dated March 29, 2001, filed as Land Court Document No. 2693391.

ITEM THIRTEEN – [TMK 2-6-3:57]

Six foot lane situate between Beach Walk and Lewers Street of the Beach Walk Tract, as shown on File Plan No. 133, bearing Tax Key designation (1) 2-6-003-057 and containing an area of 3,145 square feet, more or less.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR:	URASENKE INTERNATIONAL, INC., a Hawaii corporation
GRANTEE:	OUTRIGGER HOTELS HAWAII, a Hawaii limited partnership
DATED:	October 22, 2001
RECORDED:	Document No. 2001-168319

SUBJECT, HOWEVER, TO:

1. Easement and/or right and privilege to use for foot path purposes only a lane six feet wide in favor of various lot owners of lots shown in File Plan 133, being a portion of the Beach Walk Tract and which lane is within tax map key (1) 6-8-003-057.
2. **GRANT**

TO HAWAIIAN ELECTRIC COMPANY, INC. and GTE
HAWAIIAN TELEPHONE COMPANY
INCORPORATED, now known as HAWAIIAN
TELCOM, INC.
DATED October 6, 1955
RECORDED Liber 3023 Page 164
GRANTING a perpetual right and easement for utility purposes
3. An easement for sanitary sewer purposes acquired by the CITY AND COUNTY OF HONOLULU by FINAL ORDER OF CONDEMNATION dated February 27, 1969, filed in the Circuit Court of the First Circuit, State of Hawaii, Civil No. 18524, on February 27, 1969, recorded in Liber 6427 at Page 276.

ITEM FOURTEEN - [Portion of Helumoa Road between Beach Walk and Lewers)

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent 4492, Land Commission Award 104, Fort Land, Apana 6 to M. Kekuanaoa) situate, lying and being at Waikiki, Honolulu, City and County of Honolulu, State of Hawaii, and thus bounded and described:

Beginning at the south corner of this parcel of land, being also the east corner of Land Court Application 1498 and the west corner of Helumoa Road and Lewers Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 12,096.77 feet south and 6,074.28 feet east and running by azimuths measured clockwise from true South:

1. 131° 04' 200.00 feet along Land Court Application 1498;
2. 221° 04' 20.00 feet along southeast side of Beach Walk;
3. 311° 04' 200.00 feet along remainder of R.P. 4492, L.C.Aw. 104, F.L.Ap. 6 to M. Kekuanaoa;

4. 41° 04' 20.00 feet along the northwest side of Lewers Street to the point of beginning and containing an area of 4,000 square feet, more or less.

BEING THE PREMISES ACQUIRED BY QUITCLAIM DEED

GRANTOR : CITY AND COUNTY OF HONOLULU, a municipal corporation of the State of Hawaii
 GRANTEE : OUTRIGGER HOTELS HAWAII, a Hawaii limited partnership
 DATED : November 10, 2004
 RECORDED : Document No. 2005-008184

SUBJECT, HOWEVER, TO:

1. GRANT

TO : OUTRIGGER HOTELS HAWAII
 DATED : May 15, 1987
 RECORDED : Liber 20808 Page 246
 GRANTING : an easement for communication purposes more particularly described therein, and as shown on the map attached thereto

2. DESIGNATION OF EASEMENT "U" for utility purposes, in favor of the BOARD OF WATER SUPPLY, HAWAIIAN ELECTRIC CO., INC., VERIZON HAWAII INC, now known as HAWAIIAN TELCOM, INC. and the CITY AND COUNTY OF HONOLULU, as shown on survey map prepared by Wilfred Y. K. Chin, Land Surveyor, with Controlpoint Surveying, Inc., dated October 21, 2004.

FURTHER SUBJECT TO:

A. AS TO ITEMS ONE THROUGH THIRTEEN:

1. Any and all assessments that may be due and owing under Waikiki Business Improvement District, District No. 1.

B. AS TO ITEMS ONE THROUGH ELEVEN, THIRTEEN AND FOURTEEN:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

C. AS TO ITEMS ONE THROUGH FOURTEEN:

1. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT : AGREEMENT FOR JOINT DEVELOPMENT AND RESTRICTIVE COVENANT REGARDING LANAI ENCLOSURES (WAIKIKI BEACH WALK; PLANNED DEVELOPMENT - RESORT)

DATED : January 19, 2005, February 1, 2005, March 28, 2005, April 5, 2005 and April 6, 2005

FILED : Land Court Document Nos. 3219661 and 3248392

RECORDED : Documents Nos. 2005-010991, 2005-026114, 2005-062997, 2005-068466 and 2005-068467

PARTIES : OUTRIGGER HOTELS HAWAII, a Hawaii limited partnership; IRL, LLC, a Hawaii limited liability company; ALA WAI GATEWAY LIMITED PARTNERSHIP, a Hawaii limited partnership; OWT, LLC, a Hawaii limited liability company; OUTRIGGER-LAX LIMITED PARTNERSHIP, a Nevada limited partnership; ORF, LLC, a Hawaii limited liability company; OMP, LLC, a Hawaii limited liability company; CATHERINE EVANS LLOYD MOORE, Trustee under that certain unrecorded Revocable Living Trust dated July 17, 1980, RRK HOTEL ASSOCIATES, LLC, a Colorado limited liability company, RRK LAND COMPANY, LLC, a Colorado limited liability company, JABRON MANGO COMPANY, a Hawaii limited partnership, and SUTTON FAMILY PARTNERS, a Hawaii limited partnership

2. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT : DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WAIKIKI BEACH WALK

DATED : January 19, 2005 and March 28, 2005

FILED : Land Court Document Nos. 3219662 and 3248393

RECORDED : Document Nos. 2005-010992 and 2005-062998

PARTIES : OUTRIGGER HOTELS HAWAII, a Hawaii limited partnership

Joinder by IRL, LLC, a Hawaii limited liability company, ALA WAI GATEWAY LIMITED PARTNERSHIP, a Hawaii limited partnership, OWT, LLC, a Hawaii limited liability company, OUTRIGGER-LAX LIMITED PARTNERSHIP, a Nevada limited partnership, ORF, LLC, a Hawaii limited liability company, OMP, LLC, a Hawaii limited liability company, RRK HOTEL ASSOCIATES, LLC, a Colorado limited liability company, and RRK LAND COMPANY, LLC, a Colorado limited liability company.

3. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT : DECLARATION OF LEWERS STREET
 REDEVELOPMENT AREA COVENANTS
 DATED : January 19, 2005 and March 28, 2005
 FILED : Land Court Document Nos. 3219663 and 3248394
 RECORDED : Document No. 2005-010993
 PARTIES : OUTRIGGER HOTELS HAWAII, a Hawaii limited
 partnership, OUTRIGGER ENTERPRISES, INC., a Hawaii
 corporation, OUTRIGGER-LAX LIMITED
 PARTNERSHIP, a Nevada limited partnership, ALA WAI
 GATEWAY LIMITED PARTNERSHIP, a Hawaii limited
 partnership, ORF, LLC, a Hawaii limited liability company,
 OWT, LLC, a Hawaii limited liability company, IRL, LLC,
 a Hawaii limited liability company, FAIRFIELD
 RESORTS, INC., a Delaware corporation, RRK HOTEL
 ASSOCIATES, LLC, a Colorado limited liability company,
 and RRK LAND COMPANY, LLC, a Colorado limited
 liability company

4. Encroachments or any other matters as shown on survey map prepared by Lance T. Stevens, Land Surveyor, with Controlpoint Surveying, Inc., dated September 21, 2005.